

Article I
Construction and Penalties

[Adopted 2-10-2015 by Ord. No. 15-1]

§ 1-1 Principles of construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires that an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Code and Code of Ordinances. The words "Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the Town of Cleveland unless the context of the section clearly indicates otherwise.
- C. Computation of time. In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this subsection, "legal holiday" means any statewide legal holiday specified by state law, currently under § 995.20, Wis. Stats.
- D. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- E. Gender. Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- F. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.
- G. Joint authority. All words purporting to give a joint authority to three or more Town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- H. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.

- I. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- J. Singular and plural. Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referring to a plural number shall also be construed to apply to one person or thing.
- K. Tense. The use of any verb in the present tense shall not be preclude the interpretation of the verb in the future tense where appropriate.
- L. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
- M. Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.

§ 1-2 Conflicting provisions.

- A. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control the more general provision.

§ 1-3 Effective date of ordinances.

- A. Code. The Code of Ordinances, Town of Cleveland, Wisconsin, shall take effect from and after passage and publication as provided by state law (§ 66.0103, Wis. Stats.).
- B. Subsequent ordinances. All ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

§ 1-4 Violations and penalties.

- A. General penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows:
 - (1) First offense. Any person who shall violate any provision of this Code shall, upon

conviction thereof, forfeit not less than \$50 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

- (2) Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

§ 1-5 Prosecution of minors.

- A. Adoption of state statute. Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this section as if fully set forth herein.
- B. Provisions applicable to persons 14 through 17 years of age. Subject to the provisions and limitations of § 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code against persons 14 through 17 years of age may be brought on behalf of the Town and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- C. No incarceration as penalty. The court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this section.

§ 1-6 Documents incorporated by reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Town Clerk shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk, subject to such restrictions on examination as the Clerk imposes for the preservation of the material.